

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

JUAN ISIDRO ITZEP <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.
v.	)	SA-06-CA-0568-XR
	)	
TARGET CORPORATION, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT TARGET CORPORATION’S MOTION TO FILE CORRECTED  
APPENDICES AND EXHIBITS OUT OF TIME**

Defendant Target Corporation moves the Court to file corrected appendices to its motions for summary judgment and to file its corresponding exhibits out of time. In support of this motion, defendant asserts the following:

1. The dispositive motion deadline was December 17, 2007. Defendant filed a motion for summary judgment as to plaintiffs’ FLSA claims and a separate motion for summary judgment as to its cross-claims against defendant Jim’s Maintenance on December 17, 2007, in accordance with the deadline.

2. While in the process of filing the appendices to each motion and attaching exhibits thereto, defendant encountered computer difficulties. In addition, while in the process of filing said appendices and exhibits, the PACER system apparently “rebooted” or otherwise logged defendant off of its system prior to the filing being completed. As there are a significant number of exhibits to both summary judgment motions, defendant was unable to complete its filing of the appendices with exhibits prior to midnight, despite beginning the filing process nearly seven (7) hours earlier.

3. Defendant proceeded to file the appendices themselves but was unable to attach the numerous exhibits prior to the expiration of the filing deadline.

4. Defendant expects to complete its filing of the exhibits on December 18, 2007. As the Court previously extended the response deadline to January 14, 2008, defendant does not anticipate that plaintiffs or defendant Jim's Maintenance will be prejudiced by the brief delay in filing the exhibits.

Wherefore, defendant respectfully requests that it be allowed to file corrected appendices to its motions for summary judgment, to include the exhibits referenced therein.

Respectfully submitted,

s/ David T. Wiley

Thomas A. Davis

[davist@jacksonlewis.com](mailto:davist@jacksonlewis.com)

David T. Wiley

[wileyd@jacksonlewis.com](mailto:wileyd@jacksonlewis.com)

Shannon L. Miller

[millers@jacksonlewis.com](mailto:millers@jacksonlewis.com)

JACKSON LEWIS LLP

First Commercial Bank Building

800 Shades Creek Parkway, Ste. 870

Birmingham, Alabama 35209

Tel: (205) 332-3101/3102/3104

Fax: (205) 332-3131

**Counsel for Target Corporation**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2007, a copy of the foregoing has been served upon all counsel of record via the CM/ECF System:

William H. Beardall, Jr.  
Victoria Gavito  
EQUAL JUSTICE CENTER and  
TRANSNATIONAL RIGHTS CLINIC  
510 S. Congress Ave., Ste. 206  
Austin, TX 78704

B. Craig Deats  
DEATS, DURST, OWEN & LEVY, PLLC  
1204 San Antonio Street, Ste. 203  
Austin, TX 78701

Joseph P. Berra  
LAW OFFICE OF JOSEPH P. BERRA  
214 Avant Avenue  
San Antonio, TX 78210

Richard A. Pizzo  
The Pizzo Law Firm  
1515 South Denver Avenue  
Tulsa, Oklahoma 74119-3828

s/ David T. Wiley  
Counsel of Record

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	)	
Defendants.	)	

**ORDER**

On this day, the Court considered the motion of the defendant Target Corporation to file corrected appendices to its motions for summary judgment, with attached exhibits, out of time. After reviewing the motion, and for good cause shown, it is the conclusion of the Court that the motion is due to be, and hereby is, **GRANTED**. Defendant Target Corporation shall have until December 19, 2007 to file its corrected appendices and exhibits to its motions for summary judgment.

SIGNED this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
THE HONORABLE XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE